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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES STANLEY LONGLEY,

Defendant and Appellant.

H026926

(Santa Clara County  
Super. Ct. No. CC264793)

ORDER MODIFYING OPINION  
AND DENYING REHEARING  
NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on November 14, 2004, be modified in the following particulars:

On the top of page 2, delete the third sentence that reads: “There was no response.” Insert the following paragraph:

Defendant responded with a letter stating that he had asked trial counsel to put on an unconscious act defense because in the course of the fight that led to the assault with a deadly weapon charge, he was kicked and hit in the head numerous times. He also had a severe ear infection which resulted in nerve damage and required extensive surgery in which bones and tissue were removed after his arrest. Trial counsel proffered a self-defense defense. On appeal, appellate counsel investigated this claim, obtained fees from this court to retain a neurologist, and determined there was not a viable claim of ineffective assistance of counsel.

There is no change in judgment.

Dated:

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Premo, Acting P.J.

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Bamattre-Manoukian, J.

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Walsh, J.\*

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\* Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.